

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

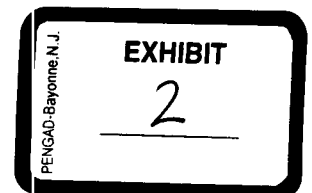
GARY PADGETT, #235231)
Plaintiff)
)
vs.) CIVIL ACTION NO.2:05-CV-608-A
)
DONAL CAMPBELL, GWENDOLYN MOSLEY,)
BRYAN GAVINS, WILLIE BRYANT,)
A. JERNIGAN, et.al.,)
)
Defendants.)

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Gwendolyn C. Mosley, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Gwendolyn C. Mosley and I am presently employed as a Correctional Warden III, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

On July 16, 2004, inmate Gary Padgett arrived at Easterling Correctional Facility. I have not denied inmate Padgett or any other inmates open access to use the Law Library. At the present time, our Law Library does not have a ramp for inmates in wheel chairs, but plans have been made to build a ramp for the Law Library. Our Law Library is used by other inmates who are in wheel chairs with no complaints. According to our Law Library Officer, inmate Padgett has not made verbal or written request to use the Law Library. Our Law



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Library is open on Tuesday-Friday from 12:00 PM to 7:30 PM and on Saturday from 8:00 AM to 4:00 PM. Inmates that use the Law Library are allowed to use it when their assigned dormitory has yard and gym call. Inmates who need additional time can request for the time by submitting a request to our Law Library officer. Our Law Library has two exits which are marked according to the fire code. Our Law Library has tables available for inmates with wheel chairs.

In July 2004, inmate Padgett was suspected of bringing in tobacco products from the Visitation Yard. He was escorted to our Segregation Unit where he was handcuffed and leg chained according to the guidelines set by our Standard Operating Procedure (SOP C-50) (Exb.#1).

Inmate Padgett was placed in restraints. After inmate Padgett defecated and no tobacco or any other contraband was found, inmate Padgett was released back to his assigned dormitory. He was not charged for any rule violation.

Inmate Padgett's claim that I have labeled him as a Sexual Predator is false. I did write the Department of Human resources a letter expressing concern that inmate Padgett may have had sexual contact with his stepdaughter and may even be the father of his stepdaughter's son. These concerns are based on monitored telephone calls (Exb.#2) and his criminal history.

I have not harassed or threatened inmate Padgett, nor violated his constitutional rights.

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Gwendolyn C. Mosley
Gwendolyn C. Mosley

SWORN TO AND SUBSCRIBED TO before me this the 29th day of
August, 2005.

Linda E. Seal
NOTARY PUBLIC

My Commission Expires: 7-15-07

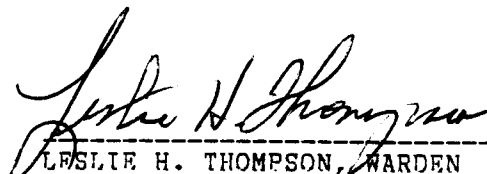
EXHIBIT #1

EASTERLING CORRECTIONAL FACILITY
STANDARD OPERATING PROCEDURES

OPR: SHIFT COMMANDER

INMATES SUSPECTED OF PROMOTING PRISON CONTRABAND

- I. PURPOSE: The purpose of these procedures is to maintain security of inmates who are ordered to defecate in a bucket for the purpose of checking for contraband.
- II. RESPONSIBILITY: The on duty Shift Commander is responsible for all officers assigned to this duty knowing and understanding those problems.
- III. PROCEDURES:
 - A. The on duty Shift Commander will assign an officer to this duty as required.
 - B. The officer will see that the inmate is handcuffed, belly chained, leg chained, pants taped around the bottom, and pants buckled securely prior to taking the inmate to HCU.
 - C. The observation officer will keep a separate log of events while assigned to this duty.
 1. All times of events.
 2. All personnel having any contact with inmates.
 3. Any unusual behavior of the inmates.
 - D. When the inmate tells the officer on duty he needs the bucket, then the officer will contact the Shift Commander immediately.
 - E. The Shift Commander or his designee (sergeant or above) will report to HCU and be present when the officer places the inmate on the bucket.
 - F. Any contraband will be handled by Shift Commander or his designee, following normal procedures.
 - G. The bucket and facilities will be cleaned with 50% solution of clorox and water for sanitation purposes.
 - H. Any deviations from this policy may result in the employees dismissal.

 11-2-94
LESLIE H. THOMPSON, WARDEN

DATE



Bob Riley
Governor

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS

EASTERLING CORRECTIONAL FACILITY
200 WALLACE DRIVE

Clio, Alabama 36017-2615
334-397-4471



Donal Campbell
Commissioner

February 7, 2005

Department of Human Resources
Child Abuse Investigation
50 N. Ripley St.
Montgomery, AL 36130

REF: Gary Padgett, #235251S

To Whom It May Concern:

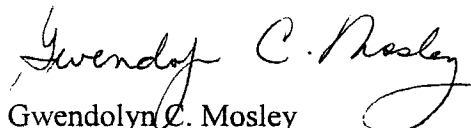
This letter comes as a request for guidance in a matter involving the referenced inmate and the possible abuse of his now adult step daughter.

Inmate Padgett is serving a 9 year sentence for the sexual abuse of three of his step grandchildren. I am concerned that he may have had sexual contact with his current step daughter, Joanna Fussell and may even be the father of her minor child, Brian Fussell. These concerns are based on monitored telephone calls between inmate Padgett and his wife Janet Padgett and his step daughter, Joanna. While Joanna is currently of age, she was only ten years old when inmate Padgett married her mother. There may also be some issues regarding her mental age. Until my concerns have been addressed, I have removed Joanna and Brian Fussell from inmate Padgett's visitors list.

Inmate Padgett was sentenced in 2004 in Washington County for his current crime. His wife, step daughter, and step grandson reside at 100 Lunsford Circle #18, Opp, AL 36467 in Covington County.

Any guidance on how to proceed in this matter is appreciated.

Sincerely,


Gwendolyn C. Mosley
Warden III

GCM/lt